



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2011 Biennium

Bill #	HB0665	Title:	Revise water discharge laws
Primary Sponsor:	Stahl, Wayne	Status:	As Introduced

- | | | |
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| <input checked="" type="checkbox"/> Significant Local Gov Impact | <input type="checkbox"/> Needs to be included in HB 2 | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal impact: There would be no fiscal impact to the state as a result of this bill. However, there are impacts to local governments.

FISCAL ANALYSIS

Assumptions:

Department of Environmental Quality (DEQ)

1. Rule development and adoption to implement the requirements of the bill would be incorporated into other rule amendment adoptions in progress.
2. Existing fee schedules would be utilized for the permitting, renewal, compliance and technical processes.

Effect on County or Other Local Revenues or Expenditures:

1. Communities required to comply with the new limits may need to install new or modified treatment processes capable of meeting the requirements. There would be fiscal impact.

Technical Concerns:

1. Section 1(4)(a) requires that a city over 20,000 in population meet primary drinking water standards or nondegradation requirements, whichever is more stringent. Treating city wastewater discharges to meet certain standards and requirements without a mixing zone would be technically difficult and likely financially impossible for cities. Similarly, it may be technically impossible for cities to meet nondegradation requirement for certain pollutants, such as ammonia.

2. Under existing law, nondegradation requirements apply only to a source of pollution that came into existence after April 29, 1993, or increased its discharge after that date. HB 665 applies the nondegradation requirement to sources of pollution that existed before April 29, 1993, and have not increased their discharge.
3. Surface water quality standards, which protect aquatic life, are often more stringent than drinking water standards. If a stream is classified as impaired (i.e., surface water quality standards are not met in the stream), nondegradation requirements do not apply. If, in this situation, HB 665 would relieve the discharger from complying with the water quality standards for aquatic life, the bill would violate federal water quality requirements and would jeopardize Montana's delegation of primacy under the Federal Water Pollution Control Act.

Sponsor's Initials

Date

Budget Director's Initials

Date